

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ZHOU LU,

Plaintiff,

vs.

SHERYL FOSTER, *et al.*,

Defendants.

Case No. 2:10-cv-00546-GMN-CWH

**ORDER**

This matter is before the Court on Defendants' Request to Set Early Neutral Evaluation (#20), filed August 23, 2011, and Plaintiff's Notice of Non-Opposition (#21), filed August 29, 2011. This matter is also before the Court on the parties' Stipulation for Stay (#24), filed September 9, 2011.

The Court has reviewed Defendants' request for an ENE and Plaintiff's non-opposition thereto. Although this request was filed almost sixty (60) days beyond the time period set forth in Local Rule 16-6(d), the Court agrees that this case should be scheduled for an Early Neutral Evaluation (ENE). The parties are instructed to contact the chambers of United States Magistrate Judge Lawrence R. Leavitt to schedule the ENE conference.

The Court has also reviewed the parties stipulation to stay discovery until the ENE session is concluded or a ruling on Defendants' motion for summary judgment (#22) is entered. Neither the desire of the parties to participate in the ENE process nor the pending summary judgment is a sufficient reason to stay discovery. Ordinarily, a pending dispositive motion is not "a situation that in and of itself would warrant a stay of discovery" unless jurisdiction, venue, or immunity are preliminary issues. *See Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 555-6 (D. Nev. 1997) (quoting *Twin City Fire Ins. v. Employers Insurance of Wausau*, 124 F.R.D. 652, 653 (D.Nev. 1989)). There must be a "strong showing" as to why discovery should be denied. *Id.*

1 (citing *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir.1975)).

2 After reviewing the record in this matter as well as preliminarily reviewing the pending  
3 motion for summary judgment, the Court finds that the parties have not made the strong showing  
4 necessary to support the requested stay. Discovery has been ongoing since at least May 11, 2011,  
5 when the parties proposed scheduling order and discovery plan (#17) was adopted by the Court.  
6 See Order (#18). The current discovery cut-off date is October 10, 2011– less than thirty (30) days  
7 from now. Presumably, the parties have been actively engaged in completing the discovery  
8 contemplated when the discovery plan was submitted and there is little discovery remaining. If the  
9 parties have a need to extend discovery, the Court will entertain that request. However, given the  
10 almost five months of the discovery period that has passed the Court sees little need or reason to  
11 stay discovery for an ENE conference or the pending summary judgment. Accordingly,

12 **IT IS HEREBY ORDERED** that Defendants' Request to Set Early Neutral Evaluation  
13 (#20) is **granted**. The parties are instructed to contact the chambers of United States Magistrate  
14 Judge Lawrence R. Leavitt to schedule the proposed ENE.

15 **IT IS FURTHER ORDERED** that the parties' Stipulation for Stay (#24) is **denied**.

16 DATED this 14th day of September, 2011.

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20 C.W. Hoffman, Jr.  
21 United States Magistrate Judge  
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